

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	:	
Eduardo MARBAN et al	:	
Int'l Application No.: PCT/US2005/009358	:	
Serial No. 10/593,814	:	Art Unit: To Be Assigned
Filed: September 22, 2006	:	Examiner: To Be Assigned
For: PREVENTING ARRHYTHMIAS ASSOCIATED WITH CELL TRANSPLANTATION	:	Atty Docket: 001107.00623

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. §  
371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

Commissioner of Patents  
U.S. Patent and Trademark Office  
Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Sir:

Applicants submit the following documents to complete the requirements for acceptance under 35 U.S.C. § 371:

1. Fee Transmittal Sheet Form PTO-1390 (Modified) in Duplicate;
2. Copy of the Notification of Missing Requirements mailed March 07, 2007 and

Serial No. 10/593,814

Response to Missing Requirements  
Under 35 U.S.C. 371 In The United States  
Designated/Elected Office (DO/EO/US)

3. Executed Declaration for Patent Application and
4. Executed Assignment with Recordation cover sheet.
5. Petition for Extension of Time Under 37 CFR 1,136(a)

Please charge our Deposit Account No. 19-0733 in the amount of \$ 1185.00, as follows:

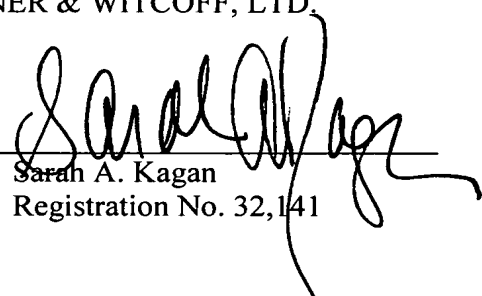
\$ 65.00 Late declaration surcharge (Small Entity)  
\$ 40.00 Recordation of Assignment.  
\$ 1,080.00 Petition for Extension of Time (5 months)

We believe no additional fees are required. If this is incorrect, please charge our Deposit Account No. 19-0733.

Respectfully submitted,

BANNER & WITCOFF, LTD.

By: \_\_\_\_\_

  
Sarah A. Kagan  
Registration No. 32,141

Date: 9-21-2007

Banner & Witcoff, Ltd.  
Customer Number: 22907

SAK:mhn

09/25/2007 LLANDGRA 00000044 190733 10593814  
01 FC:2617 65.00 DA

001107.00623

TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

10/593,814

INTERNATIONAL APPLICATION NO.  
PCT/US2005/009358INTERNATIONAL FILING DATE  
22 March 2005PRIORITY DATE CLAIMED  
22 March 2004

## TITLE OF INVENTION

PREVENTING ARRHYTHMIAS ASSOCIATED WITH CELL TRANSPLANTATION

## APPLICANT(S) FOR DO/EO/US

Eduardo MARBAN et al

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (25) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☐ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☐ A copy of the International Search Report (PCT/ISA/210).

## Items 13 to 23 below concern document(s) or information included:

13. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☐ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ An Application Data Sheet under 37 CFR 1.76.
18. ☐ A substitute specification.
19. ☐ A power of attorney and/or change of address letter.
20. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
21. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
22. ☐ A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).
23. ☐ Express Mail Label No.

U.S. APPLICATION NO (if known, see 37 CFR 1.5) <b>10/593,814</b>	INTERNATIONAL APPLICATION NO. <b>PCT/US2005/009358</b>	ATTORNEY'S DOCKET NUMBER <b>001107.00623</b>																																											
<p>24. Other items or information:</p> <p><b>Response to Notification of Missing Requirements Under 35 U.S.C. 371</b>  <b>Copy of the Notification of Missing Requirements</b>  <b>Petition for Extension of Time Under 37CFR 1.136(a)</b>  <b>Postcard</b></p>																																													
<p>The following fees have been submitted:</p> <p>25. <input type="checkbox"/> Basic national fee (37 CFR 1.492(a)). . . . . <b>\$300</b></p> <p>26. <input type="checkbox"/> Examination fee (37 CFR 1.492(c))          If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article              . . . . . <b>\$0</b>          All other situations. . . . . <b>\$200</b></p> <p>27. <input type="checkbox"/> Search fee (37 CFR 1.492(b))          If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4). . . <b>\$0</b>          Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority. . . . . <b>\$100</b>          International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB. . . . . <b>\$400</b>          All other situations. . . . . <b>\$500</b></p> <p><b>TOTAL OF 25, 26 and 27 =</b></p> <p><input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) in an electronic medium or computer program listing in an electronic medium) (37 CFR 1.492(j)).          The fee is <b>\$250</b> for each additional 50 sheets of paper or fraction thereof.</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th style="width:15%;">Total Sheets</th> <th style="width:15%;">Extra Sheets</th> <th style="width:30%;">Number of each additional 50 or fraction thereof (round up to a whole)</th> <th style="width:15%;">RATE</th> <th style="width:15%;"></th> <th style="width:10%;"></th> </tr> <tr> <td style="text-align: center;">- 100 =</td> <td style="text-align: center;">0</td> <td style="text-align: center;">/50 =</td> <td style="text-align: center;">0</td> <td style="text-align: center;">x</td> <td style="text-align: center;">\$250.00</td> </tr> <tr> <td colspan="4"></td> <td style="text-align: center;">\$</td> <td style="text-align: center;">\$0.00</td> </tr> </table> <p>Surcharge of <b>\$130.00</b> for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th style="width:15%;">CLAIMS</th> <th style="width:15%;">NUMBER FILED</th> <th style="width:15%;">NUMBER EXTRA</th> <th style="width:15%;">RATE</th> <th style="width:15%;"></th> <th style="width:10%;"></th> </tr> <tr> <td>Total claims</td> <td style="text-align: center;">- 20 =</td> <td style="text-align: center;">0</td> <td style="text-align: center;">x</td> <td style="text-align: center;">\$50.00</td> <td style="text-align: center;">\$ \$0.00</td> </tr> <tr> <td>Independent claims</td> <td style="text-align: center;">- 3 =</td> <td style="text-align: center;">0</td> <td style="text-align: center;">x</td> <td style="text-align: center;">\$200.00</td> <td style="text-align: center;">\$ \$0.00</td> </tr> </table> <p>MULTIPLE DEPENDENT CLAIMS (if applicable) <input type="checkbox"/> + \$360.00</p> <p><b>TOTAL OF ABOVE CALCULATIONS =</b></p> <p><input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.</p> <p style="text-align: right;"><b>SUBTOTAL =</b></p> <p>Processing fee of <b>\$130.00</b> for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).</p> <p style="text-align: right;"><b>TOTAL NATIONAL FEE =</b></p> <p>Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property +</p> <p style="text-align: right;"><b>TOTAL FEES ENCLOSED =</b></p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:70%;"></td> <td style="width:15%; text-align: right;">Amount to be</td> <td style="width:15%; text-align: center;">\$</td> </tr> <tr> <td></td> <td style="text-align: right;">Amount to be</td> <td style="text-align: center;">\$</td> </tr> </table>		Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole)	RATE			- 100 =	0	/50 =	0	x	\$250.00					\$	\$0.00	CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE			Total claims	- 20 =	0	x	\$50.00	\$ \$0.00	Independent claims	- 3 =	0	x	\$200.00	\$ \$0.00		Amount to be	\$		Amount to be	\$	CALCULATIONS	PTO USE
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole)	RATE																																										
- 100 =	0	/50 =	0	x	\$250.00																																								
				\$	\$0.00																																								
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE																																										
Total claims	- 20 =	0	x	\$50.00	\$ \$0.00																																								
Independent claims	- 3 =	0	x	\$200.00	\$ \$0.00																																								
	Amount to be	\$																																											
	Amount to be	\$																																											
\$	\$0.00																																												
\$	\$0.00																																												
\$	\$0.00																																												
\$	\$0.00																																												
\$	\$130.00																																												
\$	\$0.00																																												
\$	\$0.00																																												
\$	\$0.00																																												
\$	\$65.00																																												
\$	\$65.00																																												
\$	\$0.00																																												
\$	\$40.00																																												
\$	\$105.00																																												

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

- a. ☐ A check in the amount of \$ \_\_\_\_\_ to cover the above fees is enclosed.
- b. ☒ Please charge my Deposit Account No. 19-0733 in the amount of \$ \$105.00 to cover the above fees. A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 19-0733. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. The PTO-2038 should only be mailed or faxed to the USPTO. However, when paying the basic national fee, the PTO-2038 may NOT be faxed to the USPTO.

**ADVISORY:** If filing by EFS-Web, do NOT attach the PTO-2038 form as a PDF along with your EFS-Web submission. Please

be advised that this is not recommended and by doing so your credit card information may be displayed via PAIR. To

**NOTE:** Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

BANNER & WITCOFF, LTD.

Customer Number: 22907

SIGNATURE

Sarah A. Kagan

NAME

32,141

REGISTRATION NUMBER

DATE



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/593,814	Eduardo Marban	001107.00623

22907  
BANNER & WITCOFF, LTD.  
1100 13th STREET, N.W.  
SUITE 1200  
WASHINGTON, DC 20005-4051

INTERNATIONAL APPLICATION NO.	
PCT/US05/09358	
I.A. FILING DATE	PRIORITY DATE
03/22/2005	03/22/2004

RECEIVED

MAR 08 2007

BANNER & WITCOFF, LTD.

CONFIRMATION NO. 5612  
371 FORMALITIES LETTER



\*OC000000022771468\*

Date Mailed: 03/07/2007

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 09/22/2006
- Copy of the International Search Report filed on 09/22/2006
- Preliminary Amendments filed on 09/22/2006
- Information Disclosure Statements filed on 12/28/2006
- Request for Immediate Examination filed on 09/22/2006
- U.S. Basic National Fees filed on 09/22/2006
- Priority Documents filed on 09/22/2006

Docketed 3/12/07  
Atty LMH/SAK/Intl  
Case Ref. 001107.00623  
Action Resp. N/Miss. Rep.  
Due Date 5/7/07  
Last Day 10/7/07  
By TMH

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is \$65 for a Small Entity:

- \$65 Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

FREDERICK SMITH

Telephone: (703) 308-9140 EXT 210

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/593,814	PCT/US05/09358	001107.00623